

In the Circuit Court of the United States for the Southern
District of California.

Southern Division.

UNITED STATES OF AMERICA, PETITIONER,
v.
PACIFIC COAST PLUMBING SUPPLY ASSO- }
ciation and others, defendants. } NO. —.

*To the honorable the judges of the Circuit Court of the
United States for the Southern District of Cali-
fornia sitting in equity:*

The United States of America, by A. I. McCormick, its attorney for the Southern District of California, acting under the direction of its Attorney General, brings this proceeding in equity against—

Pacific Coast Plumbing Supply Association, National Committee of the Confederated Supply Associations, H. R. Boynton Co., A. H. Busch Co., Crane Co., Harper & Reynolds Co., Holbrook, Merrill & Stetson, W. W. Montague & Co., The Tay Co. of Los Angeles, N. O. Nelson Manufacturing Co., Dalziel-Moller Co., Haines,

Jones & Cadbury, R. W. Kinney Co., Mark-Lally Co., The George H. Tay Co., Miller-Enwright Co., P. F. Howard Co., Western Metal Supply Co., The Gauld Co., M. L. Kline, California Steam and Plumbing Supply Co., The Peerless Pacific Co., Bowles Co., The A. Hambach Co., Holley-Mason Hardware Co., Hughes & Co., Walsh & Gardner, William H. Burnham, H. M. Haldeman, C. H. Roddan, B. N. Coffman, C. L. Moore, S. W. Hughes, Al E. Goddard, Frank S. Hanley, A. H. Busch, Thomas A. Burk, F. H. Knapp, C. W. Weld, Jud Saeger, F. A. Nitche, Lewis B. Peeples, Charles F. Harper, C. C. Reynolds, Isaac B. Newton, Charles Holbrook, William Swartley, H. Morris, E. A. Blodgett, W. W. Montague, A. A. Watkins, A. Cheminant, L. Kimble, Carl Parker, Francis J. Baker, W. S. Babson, John J. Foy, James Dalziel, Andrew Dalziel, H. C. Marsh, Ralph W. Kinney, J. H. Wright, Harry T. Lally, Clarence Mark, T. L. Enwright, D. M. Miller, G. A. Burns, P. F. Howard, Alice T. Corrigan, B. W. McKenzie, W. H. Beckett, Charles Gauld, H. D. Curtis, M. L. Kline, George R. Smith, H. F. Weaver, C. D. Bowles, Albert Hambach, A. E. Koephli, F. H. Mason, J. M. Dutton, E. J. Walsh, A. R. Gardner, E. H. Hughes, Alfred A. Fowle, and Joseph R. Whalen.

The defendants above named, engaged in interstate and foreign trade and commerce in plumbing

supplies, are violating the provisions of the act of Congress passed July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and this proceeding is instituted to prevent and restrain the hereinafter particularly described contracts, combinations, and conspiracies in restraint of and restraints upon interstate and foreign trade in such articles, the attempts to monopolize and the combinations and conspiracies to monopolize said trade and commerce.

On information and belief your petitioner alleges and shows:

I.

The defendant, Pacific Coast Plumbing Supply Association, is an unincorporated association with offices at San Francisco, Cal., and is composed of numerous persons, firms, and corporations engaged in business as jobbers or wholesalers of plumbing supplies and located in the states of California, Washington, and Oregon.

The defendant, National Committee of the Confederated Supply Associations, is a corporation organized and existing under the laws of the State of New York, with its principal office in the city of New York.

H. R. Boynton Co. is a corporation organized under the laws of the State of California, with its principal place of business at Los Angeles, Cal.

A. H. Busch Co. is a corporation organized under the laws of the State of California, with its principal offices at Los Angeles, Cal.

Crane Co. is a corporation organized under the laws of the State of Illinois, with offices at Los Angeles, San Francisco, Oakland, Cal.; Portland, Oreg.; Seattle, Tacoma, and Spokane, Wash.

Harper & Reynolds Co. is a corporation organized under the laws of the State of California, with its principal office at Los Angeles, Cal.

Holbrook, Merrill & Stetson is a corporation organized under the laws of the State of California, with its offices at Los Angeles and San Francisco, Cal.

W. W. Montague & Co. is a corporation organized under the laws of the State of California, with offices at Los Angeles and San Francisco, Cal.

The Tay Co. of Los Angeles is a corporation organized under the laws of the State of California, with offices at Los Angeles, Cal.

N. O. Nelson Manufacturing Co. is a corporation organized under the laws of the State of Missouri, with offices at Los Angeles and San Francisco, Cal.

Dalziel-Moller Co. is a corporation organized under the laws of the State of California, with its principal office at San Francisco, Cal.

Haines, Jones & Cadbury is a corporation organized under the laws of the State of Pennsylvania, with offices at San Francisco, Cal., and Philadelphia, Pa.

R. W. Kinney Co. is a corporation organized under the laws of the State of California, with offices at Oakland and San Francisco, Cal.

Mark-Lally Co. is a corporation organized under the laws of the State of Nevada, with principal office at San Francisco, Cal.

The George H. Tay Co. is a corporation organized under the laws of the State of California, with principal offices at San Francisco, Cal.

California Steam and Plumbing Supply Co. is a corporation organized under the laws of the State of California, with its principal office at San Francisco, Cal.

Miller-Enwright Co. is a corporation organized under the laws of the State of California, with principal offices at Sacramento, Cal.

P. F. Howard Co. is a corporation organized under the laws of the State of California, with principal office at Oakland, Cal.

Western Metal Supply Co. is a corporation organized under the laws of the State of California, with its principal office at San Diego, Cal.

The Gauld Co. is a corporation organized under the laws of the State of Oregon, with its principal office at Portland, Oreg.

M. L. Kline is an individual residing and doing business at Portland, Oreg.

The Peerless Pacific Co. is a corporation organized under the laws of the State of Oregon, with its principal office at Portland, Oreg.

Bowles Co. is a corporation organized under the laws of the State of Washington, with principal offices at Seattle, Wash.

The A. Hambach Co. is a corporation organized under the laws of the State of Washington, with its principal office at Seattle, Wash.

Holley-Mason Hardware Co. is a corporation organized under the laws of the State of Washington, with its principal office at Spokane, Wash.

Hughes & Co. is a partnership with its principal office at Spokane, Wash.

Walsh & Gardner is a partnership, with their principal office at Tacoma, Wash.

Said defendants will be hereinafter referred to as "corporation defendants" and "defendants."

The individuals made defendants herein and hereafter called "individual defendants" and "defendants" are, respectively, officers and managers of the several corporation defendants, or members of said partnerships, as follows:

H. M. Haldeman and C. H. Roddan are president and acting secretary, respectively, and B. N. Coffman, C. L. Moore, S. W. Hughes, and Al E. Goddard are assistant secretaries of the Pacific Coast Plumbing Supply Association and are located at Los Angeles, Seattle, Portland, and Sacramento, respectively.

Frank S. Hanley is secretary of defendant National Committee of the Confederated Supply Associations and resides in New York.

William H. Burnham and H. M. Halderman are president and vice president, respectively, of H. R. Boynton Co., Los Angeles.

A. H. Busch, Thomas A. Burk, and F. H. Knapp are president, secretary, and manager, respectively, of A. H. Busch Co., Los Angeles.

C. W. Weld, Jud Saeger, F. A. Nitchev, and Lewis B. Peeples are local managers of the Crane Co., at San Francisco, Los Angeles, Portland, and Seattle, respectively.

Charles F. Harper, C. C. Reynolds, and Isaac B. Newton are, respectively, president, vice president, and secretary of the Harper & Reynolds Co.

Charles Holbrook and William Swartley are president and secretary and H. Morris and E. A. Blodgett are managers of Holbrook, Merrill & Stetson at Los Angeles and San Francisco, respectively.

W. W. Montague and A. A. Watkins are president and vice president, and A. Cheminant and L. Kimble are managers of W. W. Montague & Co. at San Francisco and Los Angeles, respectively.

Carl Parker, Francis J. Baker, and W. S. Babson are, respectively, president, first vice president, and secretary of The Tay Co. of Los Angeles.

J. J. Foy is local manager of the N. O. Nelson Manufacturing Co. of Los Angeles.

James Dalziel and Andrew Dalziel, are, respectively, president and secretary of the Dalziel Moller Co.

H. C. Marsh is local manager of Haines, Jones & Cadbury, at San Francisco.

Ralph W. Kinney and J. H. Wright are president and secretary, respectively, of the R. W. Kinney Co.

Harry T. Lally and Clarence Mark are, respectively, president and secretary of the Mark-Lally Co.

T. L. Enwright, D. M. Miller, and G. A. Burns are president, secretary, and local manager of the Miller-Enwright Co.

P. F. Howard and Alice T. Corrigan are president and secretary, respectively, of the P. F. Howard Co.

B. W. McKenzie and W. H. Beckett are president and secretary, respectively, of the Western Metal Supply Co.

Charles Gauld and H. D. Curtiss are president and secretary, respectively, of the Gauld Co.

George R. Smith and H. F. Weaver are, respectively, president and secretary of the Peerless Pacific Co.

C. D. Bowles is president of the Bowles Co.

Albert Hambach and A. E. Koephli are, respectively, president and manager of the A. Hambach Co.

F. H. Mason and J. M. Dutton are, respectively, president and secretary of the Holley-Mason Hardware Co.

E. J. Walsh and A. R. Gardner are members of the firm of Walsh & Gardner.

E. H. Hughes is a member of the partnership Hughes & Co.

Alfred A. Fowle and Joseph R. Whalen are, respectively, president and secretary of California Steam and Plumbing Supply Co.

The Christian names of the defendants, except as stated, are unknown to your petitioner.

All of said individual defendants are officers, managers, or members of the corporations and partnerships as above stated, and as such participate in the management and direction of the business of such corporations and partnerships, defendants herein, and are responsible therefor.

II.

Description of business.

The defendants named above have their places of business, as stated, in the States of California, Oregon, and Washington. For many years they severally have been and are now engaged in business as jobbers or wholesalers of plumbing supplies. Plumbing supplies consist of brass work, earthenware, enameled tubs, and lavatories, lead pipe, traps and bends, range boilers, sinks, soil pipe and fittings, tanks, seats, and similar articles. Throughout the United States, and located in States other than the States of California, Washington, and Oregon, there are many manufacturers of plumbing supplies who sell and ship such articles to persons throughout the United States and more particularly to persons, firms, and corporations doing business in California, Washington, and Oregon. The defendants send orders for the purchase and shipment of plumbing supplies to such manufacturers, and in pursuance of such orders plumbing supplies are shipped from the factories of such manufacturers located in such States to the places of business of the defendants and are received by them at said places of business. In carrying on their business as jobbers or wholesalers in plumbing supplies defendants sell and ship to their customers the plumbing supplies which they have received pursuant to the orders above described, said customers being retail dealers in plumbing supplies and master plumbers located in the States of California, Wash-

ington, Oregon, Arizona, and Nevada, and in the foreign countries of Mexico and Central America. These sales and shipments by the defendants to customers in other States and foreign countries are made pursuant to orders received from such customers. In carrying on business in the manner aforesaid said defendants and said manufacturers have been and now are engaged in interstate and foreign trade and commerce in plumbing supplies within the meaning of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Of the total volume of the interstate and foreign trade and commerce in plumbing supplies being carried on by corporations, firms, and individuals in the States of California, Washington, and Oregon in the manner aforesaid, the defendants above named have and control the principal part—that is to say, 90 per cent thereof.

Because the said corporation defendants have been in fact separate and distinct from each other, the defendants and all others so engaged in said interstate and foreign commerce would severally be now conducting their said interstate and foreign business, trade, and commerce in said plumbing supplies, in competition with each other, as to all matters in respect to which genuine competitors naturally compete; and trade and commerce therein would now be free and unrestrained, and any and all other persons, firms, or corporations seeking to engage in said interstate and foreign commerce in plumbing sup-

plies would have been and would now be able to engage therein, if the said defendants had not engaged and were not now engaging in the unlawful combination and conspiracy in restraint of said interstate and foreign trade and commerce and in the unlawful attempt to monopolize the same, which will be hereinafter described.

III.

The Combination and Conspiracy.

On or about January 1, 1907, the defendants unlawfully and knowingly engaged in a combination and conspiracy, hereinafter described, in restraint of the above-described interstate and foreign trade and commerce being carried on in plumbing supplies, and since that year they have continuously maintained said combination and conspiracy, and are now engaged therein. The defendants have engaged in said combination and conspiracy with the unlawful object and purpose of confining and restricting all interstate and foreign commerce in plumbing supplies in the States of California, Washington, and Oregon to the said defendants and of preventing all others from engaging therein. The defendants have also engaged in said combination and conspiracy with the object and purpose of monopolizing said interstate and foreign commerce in plumbing supplies, and of preventing any person other than themselves from obtaining an interest in or carrying on any of said trade and commerce.

In order to bring about the desired ends, and with the above-enumerated purposes, defendants have adopted such means as seemed expedient, and more particularly they have followed and are now following the general lines of action hereinafter stated and will continue to do so unless prohibited by this honorable court.

First. During the period aforesaid defendants have conspired and confederated together to prevent manufacturers of plumbing supplies located throughout the United States from selling and shipping plumbing supplies to any persons, firms, or corporations located in the States of California, Washington, and Oregon who have not belonged to the Pacific Coast Plumbing Supply Association and whose names have not been listed in a book called the "Blue Book," to be hereinafter described. The Pacific Coast Plumbing Supply Association is an unincorporated association of jobbers of plumbing supplies, located in the States of California, Washington, and Oregon; all the defendant corporations and partnerships, other than defendant National Committee of the Confederated Supply Associations, have been and are members of said association, and all members of said association are defendants herein. The qualifications for membership therein are determined by the defendants, and defendants arbitrarily decide who shall and who shall not be admitted. In order to force the manufacturers of plumbing supplies to refuse to sell and ship to persons other than the defendants, defendants by agreement with each other

have continuously during said period refused to order or buy plumbing supplies from such manufacturers of plumbing supplies as have sold and shipped said supplies to persons in the States of California, Washington, and Oregon who are not members of the Pacific Coast Plumbing Supply Association and are not listed in the Blue Book.

Acting under agreement with each other, defendants have withdrawn their business from manufacturers who have sold and shipped to persons who have refused to join said Pacific Coast Plumbing Supply Association, or to persons whom defendants have not recognized as legitimate jobbers, and have not admitted to membership therein, and defendants have boycotted such manufacturers until they compelled them to confine their sales to defendants.

Second. The defendant National Committee of the Confederated Supply Associations, acting in agreement with the other defendants, has since January 1, 1907, printed from time to time and issued a list of jobbers of plumbing supplies in the United States, commonly called in the trade the "Blue Book," and has distributed said list to manufacturers engaged in the manufacture and sale of plumbing supplies, and to the jobbers named in the Blue Book. In the Blue Book are printed arbitrary definitions of a manufacturer and a jobber of plumbing supplies. These definitions express the opinion of the defendants as to the qualifications necessary in order to entitle one to be called a manufacturer or jobber and to be treated as such. It is the intention of the National Committee

and of the defendants that the Blue Book shall be considered by the manufacturers as containing the names of all persons, firms, and corporations in the United States who are legitimate jobbers of plumbing supplies. All the defendant corporations and partnerships (except the National Committee of the Confederated Supply Associations) are listed in the Blue Book; furthermore, these defendants are the only persons, firms, or corporations located and doing a plumbing business in the States of California, Washington, and Oregon who are named in the Blue Book.

During said period no person, firm, or corporation desiring to engage in business as a jobber of plumbing supplies in the States of California, Washington, or Oregon could be listed as a jobber in the Blue Book except at the arbitrary discretion of a majority of the jobbers belonging to the Pacific Coast Plumbing Supply Association, and doing business in the locality where said person, firm, or corporation desired to do business as a jobber, and no person can now be so listed except by the consent of such jobbers. In order to prevent an increase in the number of jobbers of plumbing supplies in said three States, defendants, agreeing together, have repeatedly and arbitrarily refused to give their consent to the listing in the Blue Book of persons, firms, and corporations desirous of engaging in business as jobbers in said States.

During the period aforesaid, by agreement with each other, defendants continuously have boycotted and refused to buy plumbing supplies from such manufacturers as have sold and shipped such supplies

to persons, firms, and corporations located in the States of California, Oregon, and Washington who have not been listed in said Blue Book. By reason of the fact that during the said period the defendants have controlled, and do now control, 90 per cent of the total volume of the interstate and foreign trade and commerce in plumbing supplies carried on by corporations and individuals in the States of California, Washington, and Oregon, the defendants, by adopting the practices and methods hereinabove described, have been and now are enabled to compel and coerce, and do now compel and coerce, the manufacturers of plumbing supplies into refusing to sell and ship plumbing supplies to corporations and individuals not listed in the Blue Book and not members of the Pacific Coast Plumbing Supply Association. By the means indicated, and with the intent of limiting the number of jobbers in the States of California, Washington, and Oregon, defendants have prevented, and are now preventing, other persons in said States from engaging in interstate and foreign trade and commerce as jobbers of plumbing supplies.

Third. The defendants have used and are now using the defendant National Committee of the Confederated Supply Associations, its officers and agents, as a bureau for the dissemination and circulation among the defendants and among the manufacturers of plumbing supplies of information respecting manufacturers who have sold to persons located in the States of California, Washington,

and Oregon who are not members of the Pacific Coast Plumbing Supply Association, and are not listed in the Blue Book, and information respecting persons located in said States who have been and are trying to do an interstate and foreign business as jobbers of plumbing supplies, although not listed in the Blue Book. The method adopted is as follows:

A defendant on hearing that a manufacturer has sold or is about to ship to a person who is not listed on the Blue Book or is not a member of the Pacific Coast Plumbing Supply Association advises the secretary of the latter association of that fact, who thereupon communicates with the secretary of the defendant National Committee of the Confederated Supply Associations. The latter takes the matter up with the manufacturer complained of for the purpose of inducing the manufacturer not to sell or ship to the person who is not listed and not a member of said association, and subsequently communicates to each of the defendants by letter or circular the result of his correspondence with the manufacturer. If the manufacturer is obstinate and persists in selling and shipping to the person not recognized by the defendants as a jobber, the defendants adopt concerted action respecting said manufacturer, refusing to send orders for or to purchase goods from him, and they continue the boycott until he gives up selling and shipping to the person whom the defendants have proscribed.

Similarly, whenever a defendant hears that any person who is not listed and not a member of the

Pacific Coast Plumbing Supply Association is trying to build up a jobbing business in plumbing supplies, such defendant sends the person's name to the secretary of the Pacific Coast Plumbing Supply Association, who thereupon takes the matter up with the secretary of the defendant National Committee of the Confederated Supply Associations. The latter communicates at once by letter or circular with all manufacturers and all jobbers of plumbing supplies, advising them that the person complained of is not a jobber. The effect of this action is to make it impossible thereafter for the person complained of to get supplies. In the manner indicated, the defendants, by concerted action, prevent any others than themselves from engaging in the States of California, Washington, and Oregon in interstate and foreign trade and commerce as jobbers of plumbing supplies.

In pursuance of the conspiracy to restrain trade and commerce in plumbing supplies among the several States as aforesaid, and to carry out said combination and conspiracy, the defendants during the period aforesaid met annually for the election of officers and an executive committee. At each of the annual meetings of said Pacific Coast Plumbing Supply Association a committee called the executive committee, and consisting of representatives of the jobbers and wholesalers constituting said association, was elected with power and authority to represent and act for said association in all matters, and more particularly

in order to compel manufacturers of plumbing supplies to confine their sales and shipments of said supplies to the said defendants and to those jobbers listed on said Blue Book.

At such annual meetings of said association, and also at the meetings of the executive committee of said association, it was determined what manufacturers engaged in selling and shipping such plumbing supplies among the several States had sold or shipped to any persons in the States of California, Oregon, and Washington other than the defendants, members of said association, and the secretary was instructed to notify each and all of said defendants of such facts, the intent and purpose being to induce all of said defendants to refuse to purchase plumbing supplies from any such manufacturer and to force manufacturers engaged in interstate commerce to confine their sales and shipments of plumbing supplies in interstate commerce to the said defendants, members of said associations, and to the jobbers listed on said Blue Book.

IV.

Jurisdiction.

The petitioner avers that the combination and conspiracy to restrain the interstate and foreign trade and commerce in plumbing supplies still exists; that the defendants are carrying out the same within the State and Southern District of California, and that many of the things herein complained of have been committed in whole and others in part within

said State and district, and are now being committed therein; that many of the defendants enumerated above (petition pp. 3-8) are located and doing business within said State and district.

V.

Prayer.

In consideration whereof, and inasmuch as your orator can only have adequate relief in the premises in this honorable court, where matters of this nature are properly cognizable and relievable, your orator prays:

1. That it be adjudged that the defendants above named have entered into and are now engaged in a combination and conspiracy in restraint of trade and commerce among the several States and with foreign nations in plumbing supplies, such as the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" denounces as illegal, and that the defendants be enjoined and prohibited from doing anything in pursuance or in furtherance of the same within the jurisdiction of the United States.

2. That the said defendants, and each and all of them, their directors, officers, agents, servants, and employees, and all persons acting under, through, by, or in behalf of them or either of them, or claiming so to act, be perpetually enjoined, restrained, and prohibited from combining, conspiring, confederating, or agreeing together, or with others, expressly or im-

pliedly, directly or indirectly, to prevent manufacturers of plumbing supplies engaged in selling and shipping plumbing supplies among the several States from selling or shipping such supplies to any person who is not a member of the said Pacific Coast Plumbing Supply Association, or who is not listed on the so-called Blue Book published by the said defendant, National Committee of the Confederated Supply Associations, and entitled "List of Jobbers of Plumbing Supplies in the United States," or any book, pamphlet, or list of like character; and that they and all and each of them be likewise enjoined and prohibited from publishing, causing to be published, or aiding in the publication, distribution, or circulation of any book, pamphlet, or list wherein is contained the names of jobbers of plumbing supplies located in the territory embraced by the said Pacific Coast Plumbing Supply Association, to wit, the States of California, Washington, and Oregon, who have announced their intention or agreed, directly or indirectly, expressly or impliedly, to work in harmony with said association, or who conform or are supposed to conform to the definition of a jobber as given in said Blue Book, or any other arbitrary definition that may be adopted by defendants, or any of them, or by any other body or person.

3. That the said defendants, and each and all of them, their directors, officers, agents, servants, and employees, be enjoined and prohibited from publishing or distributing or aiding in the publication or distribution of any list or lists of manufacturers of

plumbing supplies who have expressly or impliedly, directly or indirectly, agreed to sell only to members of said Pacific Coast Plumbing Supply Association, or only to persons, firms, or corporations listed in said Blue Book or in any book, pamphlet, or list of like character; and that they be enjoined and prohibited from circulating or causing to be circulated or aiding in the circulation of the name of any manufacturer of plumbing supplies who is or may be selling and shipping plumbing supplies to persons, firms, or corporations who are not members of said Pacific Coast Plumbing Supply Association, or who are not listed in said Blue Book, or any book, pamphlet, or list of like character.

4. That the said defendants and their directors, officers, agents, servants, and employees be enjoined and prohibited from circulating or causing to be circulated or aiding in the circulation of the name of any person, firm, or corporation, located in the territory embraced by the said Pacific Coast Plumbing Supply Association, to wit, the States of California, Washington, and Oregon, who is or may be desirous of doing or attempting to do an interstate and foreign trade and commerce as a jobber of plumbing supplies, but who is not a member of said Pacific Coast Plumbing Supply Association, or listed in said Blue Book, or any book, pamphlet, or list of like character, and that they be enjoined and prohibited from publishing or distributing or aiding in the publication or distribution of any list or lists of persons, firms, or corporations located in said territory who are not members of

said Pacific Coast Plumbing Supply Association, but who are attempting to do business as jobbers of plumbing supplies, though not recognized by defendants as legitimate jobbers, and not listed in said Blue Book, or any book, pamphlet, or list of like character.

5. That the said defendants, their directors, officers, agents, servants, and employees, and each and all of them, be enjoined and prohibited from combining or conspiring together to boycott any manufacturer engaged in interstate or foreign commerce in plumbing supplies, for or on account of any such manufacturer having sold, or being about to sell, plumbing supplies to any person, firm, or corporation who is not a member of said Pacific Coast Plumbing Supply Association, or who is not listed on said Blue Book, or any book, pamphlet, or list of like character, and also from combining and conspiring together to prevent any person, firm, or corporation from being able to purchase such plumbing supplies from manufacturers of the same, or from other dealers therein, and, further, from communicating, either directly or indirectly, with any manufacturer or dealer for the purpose of inducing such manufacturer or dealer not to sell plumbing supplies to any person, firm, or corporation because such person, firm, or corporation is not a member of said association, or does not conform, or is supposed not to conform, to the definition of a jobber as given in said Blue Book, or any other arbitrary definition that may

be adopted by defendants, or any of them, or by any other body or person.

6. That the defendants, their officers, directors, agents, servants, and employees, be enjoined and prohibited from combining, conspiring, confederating, or acting together to prevent any person, firm, or corporation from engaging in interstate and foreign trade and commerce as a jobber of plumbing supplies by any of the unlawful means described in the petition.

7. That the defendants, their officers, directors, agents, servants, and employees, be enjoined and prohibited from engaging in or carrying into effect the combination described in the original petition and adjudged illegal hereby, and from engaging in or entering into any like combination or attempt to monopolize, the effect of which would be to restrain commerce in plumbing supplies among the several States of the United States or in the Territories of the United States or with foreign nations, and from making any express or implied agreement or arrangement together, or one with another, like that adjudged illegal herein, the effect of which would be to prevent the flow of interstate and foreign trade and commerce in plumbing supplies from the manufacturer to the consumer from being free and unrestrained.

8. That the United States may have such other and further relief as the nature of the case may require and the court may deem proper in the premises.

To the end, therefore, that the United States of America may obtain the relief to which it is justly

entitled in the premises, may it please your honors to grant unto it writs of subpœna directed to the said defendants—

Pacific Coast Plumbing Supply Association, National Committee of the Confederated Supply Associations, H. R. Boynton Co., A. H. Busch Co., Crane Co., Harper & Reynolds Co., Holbrook, Merrill & Stetson, W. W. Montague & Co., The Tay Co. of Los Angeles, N. O. Nelson Manufacturing Co., Dalziel-Moller Co., Haines, Jones & Cadbury, R. W. Kinney Co., Mark-Lally Co., George H. Tay Co., Miller-Enwright Co., P. F. Howard Co., Western Metal Supply Co., The Gauld Co., M. L. Kline, The California Steam and Plumbing Supply Co., The Peerless Pacific Co., Bowles Co., The A. Hambach Co., Holley-Mason Hardware Co., Hughes & Co., Walsh & Gardner, William H. Burnham, H. M. Haldeman, C. H. Roddan, B. N. Coffman, C. L. Moore, S. W. Hughes, Al E. Goddard, Frank S. Hanley, A. H. Busch, F. H. Knapp, Thomas A. Burk, C. W. Weld, Jud Saeger, F. A. Nitchev, Lewis B. Peeples, Charles F. Harper, C. C. Reynolds, Isaac B. Newton, Charles Holbrook, William Swartley, H. Morris, E. A. Blodgett, W. W. Montague, A. A. Watkins, A. Cheminant, L. Kimble, Carl Parker, Francis J. Baker, W. S. Babson, John J. Foy, James Dalziel, Andrew Dalziel, H. C. Marsh, Ralph W. Kinney, J. H. Wright,

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and each and every one of them, commanding them to appear herein and answer the allegations contained in the foregoing petition and abide by and perform such orders and decree as the court may make in the premises.

A. I. McCORMICK,

United States Attorney.

GEORGE W. WICKERSHAM,

Attorney General.

JAMES A. FOWLER,

Assistant to the Attorney General.

EDWIN P. GROSVENOR,

Special Assistant to the Attorney General.





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